

Application Serial No. 10/048,204
Amdt. dated May 3, 2004
Reply to Office Action of December 18, 2003

REMARKS/ARGUMENTS

In the Office Action dated December 18, 2003, the Examiner has rejected the subject matter of Claim 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,011,477 to Teodorescu et al. The Examiner has also rejected the subject matter of Claims 1-13 under 35 U.S.C. §103(a) and contends that they are unpatentable over the following references: U.S. Patent No. 6,011,477 to Teodorescu et al; and U.S. Patent No. 5,295,490 to Dodakian. The references and the Examiner's rejection of the various claims are discussed in detail below.

The Examiner has objected to the Drawings under 37 C.F.R. 1.84(o). Specifically, the Examiner has requested that legends be added to Figure 3 in the boxes currently identified as 6, 8-9, 21-22 and 25.

The Examiner has rejected Claims 1, 2, 5, 6, 8-10, 12 and 14 under 35 U.S.C. § 112, second paragraph. The Examiner has also objected to Claim 13.

In response to the rejections, Applicant has undertaken to submit a substitute drawing sheet showing Figure 3 attached under Attachment A. Applicant has amended Figure 3 to properly label a central control unit 6; transmitting unit 9; sensor unit 8; central control unit 21; memory means 22; and transmitting and/or receiving means 25. Applicant directs the Examiner to page 7, lines 14-22 and page 8, lines 1-15 of the specification which describes the elements labeled in the drawings. Applicant avers that no new matter has been added.

Applicant has amended Claims 1, 2, 5, 6, 8-10, 12 and 14 to address the 35 U.S.C. §112, second paragraph rejections. Claims 1 and 14 have been amended to more specifically define the present invention. A sensor part is attached to or onto a body part of an individual, and the sensor has at least one movement sensor and transmitting means as disclosed in the specification on page 8, lines 28-35 and page 3, lines 16-30.

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Claim 13 has also been amended to specifically state that the acronym GSM means "groupe speciale mobile." Groupe speciale mobile is a mobile telephone standard that is used in Europe and the acronym, GSM is a shortened name for a protocol. The term is known by those skilled in the art. Applicant avers that the amendments to the claims were not motivated by the prior art and that no new matter has been added. Applicant respectfully requests favorable reconsideration of Claims 1, 2, 5, 6, 8-10 and 12-14.

Claims 1-14 remain in the present application for continued prosecution.

The Examiner has rejected the subject matter of Claim 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,011, 477 to Teodorescu et al. The Examiner contends that the Teodorescu et al. '477 reference includes all of the claimed features of the present invention. Applicant traverses the rejection and requests withdrawal based on the following analysis.

Applicant respectfully submits that the Teodorescu et al. '447 reference does not teach or suggest providing a movement sensor for registering the movement and posture of young children by attaching the sensor to a body part of a young child as defined in Claim 14, as amended. Specifically, in column 4, lines 20-24, the Teodorescu et al. '477 reference teaches that the first sensor is enclosed in a cover material such as a comforter, quilt, sheet, bedspread, or other suitable enclosure that is on top of the support platform 16. The Teodorescu et al. '477 reference further discloses in column 11, lines 22-24, that an advantage to its monitoring system is that there are no physical attachments to the child.

Accordingly, Applicant respectfully submits that Claim 14, as amended, patentably distinguishes over the prior art.

Claims 1-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Teodorescu et al. '477 reference in view of U.S. Patent No. 5,295,490 to Dodakian. The Examiner contends that the Dodakian '490 reference discloses a method for registering,

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programming or storing in a memory, movement patterns of an individual, in particular, lying positions of relatively young children having a sensor/detector 14 which may be worn around the chest or abdomen of an infant. The Examiner further contends that it would have been obvious to one having ordinary skill in the art to combine the teaching of the Dodakian '490 reference with the Teodorescu et al. '477 reference for providing a multi option to mount or attach the sensor at any design location for detecting respiration and movements of an infant. Applicant traverses the rejection and requests withdrawal based on the following analysis.

Applicant respectfully submits that one skilled in the art would not be motivated to combine the Dodakian '490 reference with the Teodorescu et al. '477 reference. The Dodakian '490 reference teaches a self contained sensor and an electrical circuit using an audible alarm that is wrapped around the torso of the infant. The Teodorescu et al. '477 reference specifically teaches in column 4, lines 20-28 that the first sensor is not attached to the individual, but is attached to various linens or sheets under the infants body. The Teodorescu et al. '477 reference specifically states in column 11, lines 22-24 that an advantage of its monitoring system is that it "requires no physical attachments to the monitored subject or child."

Accordingly, Applicant submits that one skilled in the art would not be motivated to combine the Dodakian '490 reference with the Teodorescu et al. '477 reference, since the Teodorescu et al. '447 reference teaches away from attaching a sensor device to the body of the infant as defined in Claims 1 and 14, as amended in the present application.

Applicant respectfully submits that even if one were to combine the Dodakian '490 reference with the Teodorescu et al. '477 reference that the present invention would not be created. Specifically the Dodakian '490 reference does not detect the movement of a child. The Dodakian '490 reference detects the breathing patterns of infants using a monitor 10 which encircles a portion of the body of the patient in response to respiration as disclosed in column 3, lines 47-68 and column 20, lines 55-58. Therefore, the combination of the Dodakian '490 reference with the Teodorescu et al. '477 reference would not detect the

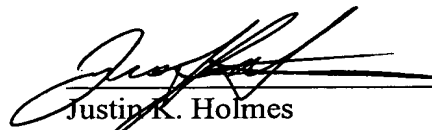
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movement patterns of an infant with a sensor on the body of the infant as defined in the claims of the present application.

Accordingly, Applicant respectfully submits that Claims 1 and 14, as amended, and those claims depending therefrom patentably distinguish over the prior art.

In view, therefore, of the amendment to the drawings, claims, as well as the remarks set forth above, Applicant firmly believes the present application is in all respects in condition for allowance which action is earnestly solicited.

Respectfully submitted,


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